

REMARKS

Claims 1-17 are pending. Applicants elect with traverse Group II (claim 9) for examination on the merits. New claims 10-17 are directed to the elected invention and should be examined in this application. Applicants reserve the right to prosecute non-elected subject matter in a further patent application.

The amendments are fully supported by the original disclosure and, thus, no new matter is added by their entry. The added claims are based on original claims 2-8, with the exception that the subject matter of claim 4 is split into two dependent claims.

Reconsideration of the restriction requirement is requested because examination of all pending claims would not constitute an undue burden. Although the inventions identified by the Examiner are separately patentable, both the need for compact prosecution and the public interest would be served by examination of all of the claims in a single application.

Traversal is based on the lack of a showing that examining claims of both Groups I and II (i.e., preparing a product comprised of the three recited microbes and administering the product to inhibit the growth of yeasts and relieve yeast-related symptoms) would constitute an undue burden. The product in both processes is the same: the process of Group I is directed to the product's preparation and the process of Group II is directed to the product's administration.

Applicants disagree with the allegation in the Action that the pending claims lack unity of invention, and therefore belong to different groups of inventions. Traversal is based on the pending claims being so linked as to form a single general inventive concept under PCT Rule 13.1. Therefore, Applicants request that the pending claims be examined together in this application.

It was alleged in the Action that the inventions listed by the Examiner as Groups I and II do not relate to a single general inventive concept because they lack the same or corresponding special technical features under PCT Rule 13.2. But here, the special technical feature linking the pending claims is the combination of the three microbes. Claims 1-8 are directed to a process specially adapted for that product's manufacture and claims 9-17 are directed to a process specifically adapted for that product's use.

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Therefore, Applicants submit that claims 1-17 have unity of invention in accordance with PCT Rule 13.

Applicants earnestly solicit an early and favorable examination on the merits. The Examiner is invited to contact the undersigned if any further information is required.

Respectfully submitted,

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